

PROSKAUER ROSE LLP
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Attorneys for Defendant

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

----- X
JANNIE PILGRIM, GIOVANNA HENSON, :
JESAN SPENCER, BRENDA CURTIS, : Civil Action No.: 07-6618 (CM) (AJP)
:
Plaintiffs, :
:
against :
:
THE MCGRAW-HILL COMPANIES, INC., :
:
Defendant. :
----- X

DEFENDANT'S PROPOSED SPECIAL VERDICT FORMS

Defendant The McGraw-Hill Companies, Inc. ("Defendant" or "McGraw-Hill"),
by and through its undersigned counsel, submits the attached Proposed Special Verdict Forms.

Respectfully submitted,

PROSKAUER ROSE LLP
1585 Broadway
New York, New York
(212) 969-3000
grasin@proskauer.com

Dated: June 27, 2008
New York, New York

By: /s/ Gregory I. Rasin
Gregory I. Rasin
Elise M. Bloom
Steven D. Hurd

ATTORNEYS FOR DEFENDANT

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**DEFENDANT'S PROPOSED SPECIAL VERDICT FORM
FOR PLAINTIFF PILGRIM'S CLAIMS**

WE, THE JURY, do unanimously find by the preponderance of the evidence as follows:

AS TO PLAINTIFF PILGRIM.

AS TO PLAINTIFF PILGRIM'S RACE DISCRIMINATION CLAIM.

Question No. 1. Under the law as given to you in the Jury Charges, did Ms. Pilgrim prove by a preponderance of the evidence that McGraw-Hill discriminated against her on the basis of her race?

YES _____ NO _____

If your answer is YES, proceed to Question No. 2. If your answer is NO, proceed to Question No. 3.

Question No. 2. Under the law as given to you in the Jury Charges, did McGraw-Hill prove, by a preponderance of the evidence, that it would have reached the same decisions pertaining to Ms. Pilgrim regardless of her race?

YES _____ NO _____

Proceed to Question No. 3.

AS TO PLAINTIFF PILGRIM'S RETALIATION CLAIM.

Question No. 3. Under the law as given to you in the Jury Charges, did Ms. Pilgrim prove by a preponderance of the evidence that McGraw-Hill retaliated against her because she complained of discrimination?

YES _____ NO _____

If your answer is YES, proceed to Question No. 4. If your answer is NO, proceed to Instruction A.

Question No. 4. Under the law as given to you in the Jury Charges, did McGraw-Hill prove, by a preponderance of the evidence, that it would have reached the same decisions pertaining to Ms. Pilgrim regardless of her complaint of discrimination?

YES _____ NO _____

Proceed to Instruction A.

Instruction A

- a. If you answered both Questions 1 and 3 NO, proceed no further and report to Court.*
- b. If you answered both Questions 2 and 4 YES, proceed no further and report to Court.*

Otherwise proceed to Question No. 5.

Question No. 5. Has Ms. Pilgrim proven, by a preponderance of the evidence, that she is entitled to an award of compensatory damages for pain and suffering?

YES _____ NO _____

Proceed to Question No. 6.

Question No. 6. If your answer to Question No. 5 is YES, Ms. Pilgrim's compensatory damages against Defendant McGraw-Hill, **if any**, are in the amount of \$_____.

Sign the verdict form below and report to the Court.

DATED THIS _____ DAY OF _____, 2008:

Foreperson

END OF VERDICT FORM

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Defendant. :
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**DEFENDANT'S PROPOSED SPECIAL VERDICT FORM
FOR PLAINTIFF CURTIS'S CLAIMS**

WE, THE JURY, do unanimously find by the preponderance of the evidence as follows:

AS TO PLAINTIFF CURTIS.

AS TO PLAINTIFF CURTIS'S RACE DISCRIMINATION CLAIM.

Question No. 1. Under the law as given to you in the Jury Charges, did Ms. Curtis prove by a preponderance of the evidence that McGraw-Hill discriminated against her on the basis of her race?

YES _____ NO _____

If your answer is YES, proceed to Question No. 2. If your answer is NO, proceed to Question No. 3.

Question No. 2. Under the law as given to you in the Jury Charges, did McGraw-Hill prove, by a preponderance of the evidence, that it would have reached the same decisions pertaining to Ms. Curtis regardless of her race?

YES _____ NO _____

Proceed to Question No. 3.

AS TO PLAINTIFF CURTIS'S RETALIATION CLAIM.

Question No. 3. Under the law as given to you in the Jury Charges, did Ms. Curtis prove by a preponderance of the evidence that McGraw-Hill retaliated against her because she complained of discrimination?

YES _____ NO _____

If your answer is YES, proceed to Question No. 4. If your answer is NO, proceed to Instruction A.

Question No. 4. Under the law as given to you in the Jury Charges, did McGraw-Hill prove, by a preponderance of the evidence, that it would have reached the same decisions pertaining to Ms. Curtis regardless of her complaint of discrimination?

YES _____ NO _____

Proceed to Instruction A.

Instruction A

a. If you answered both Questions 1 and 3 NO, proceed no further and report to Court.

b. If you answered both Questions 2 and 4 YES, proceed no further and report to Court.

Otherwise proceed to Question No. 5.

Question No. 5. Has Ms. Curtis proven, by a preponderance of the evidence, that she is entitled to an award of compensatory damages for pain and suffering?

YES _____ NO _____

Proceed to Question No. 6.

Question No. 6. If your answer to Question No. 5 is YES, Ms. Curtis's compensatory damages against Defendant McGraw-Hill, **if any**, are in the amount of \$_____.

Sign the verdict form below and report to the Court.

DATED THIS _____ DAY OF _____, 2008:

Foreperson

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DEFENDANT'S PROPOSED SPECIAL VERDICT FORM
FOR PLAINTIFF HENSON'S CLAIMS

WE, THE JURY, do unanimously find by the preponderance of the evidence as follows:

AS TO PLAINTIFF HENSON.

AS TO PLAINTIFF HENSON'S RACE DISCRIMINATION CLAIM.

Question No. 1. Under the law as given to you in the Jury Charges, did Ms. Henson prove by a preponderance of the evidence that McGraw-Hill discriminated against her on the basis of her race?

YES _____ NO _____

If your answer is YES, proceed to Question No. 2. If your answer is NO, proceed to Question No. 3.

Question No. 2. Under the law as given to you in the Jury Charges, did McGraw-Hill prove, by a preponderance of the evidence, that it would have reached the same decisions pertaining to Ms. Henson regardless of her race?

YES _____ NO _____

Proceed to Question No. 3.

AS TO PLAINTIFF HENSON'S RETALIATION CLAIM.

Question No. 3. Under the law as given to you in the Jury Charges, did Ms. Henson prove by a preponderance of the evidence that McGraw-Hill retaliated against her because she complained of discrimination?

YES _____ NO _____

If your answer is YES, proceed to Question No. 4. If your answer is NO, proceed to Instruction A.

Question No. 4. Under the law as given to you in the Jury Charges, did McGraw-Hill prove, by a preponderance of the evidence, that it would have reached the same decisions pertaining to Ms. Henson regardless of her complaint of discrimination?

YES _____ NO _____

Proceed to Instruction A.

Instruction A

a. If you answered both Questions 1 and 3 NO, proceed no further and report to Court.

b. If you answered both Questions 2 and 4 YES, proceed no further and report to Court.

Otherwise proceed to Question No. 5.

Question No. 5. Has Ms. Henson proven, by a preponderance of the evidence, that she is entitled to an award of compensatory damages for pain and suffering?

YES _____ NO _____

Proceed to Question No. 6.

Question No. 6. If your answer to Question No. 5 is YES, Ms. Henson's compensatory damages against Defendant McGraw-Hill, **if any**, are in the amount of \$_____.

Sign the verdict form below and report to the Court.

DATED THIS _____ DAY OF _____, 2008:

Foreperson

END OF VERDICT FORM

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Plaintiffs, :
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:
Defendant. :
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**DEFENDANT'S PROPOSED SPECIAL VERDICT FORM
FOR PLAINTIFF SPENCER'S CLAIMS**

WE, THE JURY, do unanimously find by the preponderance of the evidence as follows:

AS TO PLAINTIFF SPENCER.

AS TO PLAINTIFF SPENCER'S RACE DISCRIMINATION CLAIM.

Question No. 1. Under the law as given to you in the Jury Charges, did Ms. Spencer prove by a preponderance of the evidence that McGraw-Hill discriminated against her on the basis of her race?

YES _____ NO _____

If your answer is YES, proceed to Question No. 2. If your answer is NO, proceed to Question No. 3.

Question No. 2. Under the law as given to you in the Jury Charges, did McGraw-Hill prove, by a preponderance of the evidence, that it would have reached the same decisions pertaining to Ms. Spencer regardless of her race?

YES _____ NO _____

Proceed to Question No. 3.

AS TO PLAINTIFF SPENCER'S RETALIATION CLAIM.

Question No. 3. Under the law as given to you in the Jury Charges, did Ms. Spencer prove by a preponderance of the evidence that McGraw-Hill retaliated against her because she complained of discrimination?

YES _____ NO _____

If your answer is YES, proceed to Question No. 4. If your answer is NO, proceed to Instruction A.

Question No. 4. Under the law as given to you in the Jury Charges, did McGraw-Hill prove, by a preponderance of the evidence, that it would have reached the same decisions pertaining to Ms. Spencer regardless of her complaint of discrimination?

YES _____ NO _____

Proceed to Instruction A.

Instruction A

a. If you answered both Questions 1 and 3 NO, proceed no further and report to Court.

b. If you answered both Questions 2 and 4 YES, proceed no further and report to Court.

Otherwise proceed to Question No. 5.

Question No. 5. Has Ms. Spencer proven, by a preponderance of the evidence, that she is entitled to an award of compensatory damages for pain and suffering?

YES _____ NO _____

Proceed to Question No. 6.

Question No. 6. If your answer to Question No. 5 is YES, Ms. Spencer's compensatory damages against Defendant McGraw-Hill, **if any**, are in the amount of \$_____.

Sign the verdict form below and report to the Court.

DATED THIS _____ DAY OF _____, 2008:

Foreperson

END OF VERDICT FORM